

FILED  
Clerk  
District Court

JUN 14 2007

%PROB 12C  
(12/04)

## UNITED STATES DISTRICT COURT

for

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

## District of the Northern Mariana Islands

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jason Ruluked Case Number: CR 03-00004-001Name of Sentencing Judicial: Alex R. MunsonDate of Original Sentence: July 8, 2003Original Offense: Obstruction of Justice, 18 U.S.C. § 1503 and False Statements, 18 U.S.C. § 1001

Original Sentence: 33 months imprisonment followed by three years supervised release with conditions to include that the defendant shall not possess a firearm, destructive device, or any other dangerous weapons; not commit another federal, state, or local crime; not use or possess illegal controlled substances and submit to one urinalysis within 15 days of release from imprisonment and to two more thereafter; refrain from the use of any and all alcoholic beverages; participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include the testing for the detection of substance use or abuse; obtain or maintain gainful employment; perform 300 hours of community service; obtain a high school diploma or its equivalent; make arrangements to pay his creditors outlined in the presentence report. On **October 13, 2005**, supervised release conditions were modified to include a sanction of 200 additional hours of community service. On **December 21, 2005**, supervised release conditions were modified to include three months home detention with electronic monitoring. On **June 21, 2006**, supervised release conditions were revoked and a three-month term of imprisonment was imposed followed by 33 months supervised release. All conditions that were previously ordered were reimposed.

Type of Supervised Release Date Supervision Commenced: September 20, 2006Assistant U.S. Timothy E. Moran Defense Attorney: Loren Sutton

## PETITIONING THE COURT

☒ To issue a warrant☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
1	Failure to refrain from any unlawful use of a controlled substance
2	Failure to answer truthfully all inquiries of the probation officer and follow the instructions of the probation officer
3	Failure to work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons

(All in violation of 18 U.S.C. § 3583(d))

Mandatory  
ConditionStandard  
Condition (3)Standard  
Condition (5)

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- <sup>4</sup>  
 Standard Condition (6) Failure to notify the probation officer at least ten days prior any change in residence or employment
- <sup>5</sup>  
 Special Condition (3) Failure to participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse;
- <sup>6</sup>  
 Special Condition (4) Failure to refrain from any use of alcohol
- <sup>7</sup>  
 Special Condition (7) Failure to pay a special assessment fee of \$200

U.S. Probation Officer Recommendation:

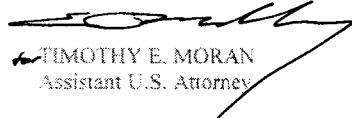
- ☒ The term of supervision should be
- ☒ revoked.
- ☐ \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.
- ☐ The conditions of supervision should be modified as follows:

**See attached Declaration in Support of Petition,  
 Violation of Supervised Release Conditions;  
 Request for a Warrant  
 by USPO Margarita DLG. Wonenberg**

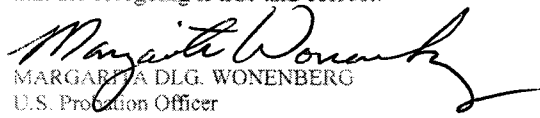
Reviewed by:

  
 ROSSANNA VILLAGOMEZ-AGUON  
 U.S. Probation Officer  
 Supervision Unit Leader

Reviewed by:

  
 TIMOTHY E. MORAN  
 Assistant U.S. Attorney

I declare under penalty of perjury  
 that the foregoing is true and correct.

  
 MARGARITA DLG. WONENBERG  
 U.S. Probation Officer

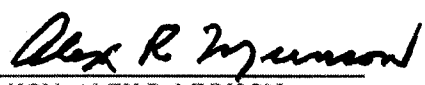
Date: 6/14/07

Date: 6/14/07

Executed on: 6/14/07

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other

  
 HON. ALEX R. MUNSON  
 Chief Judge  
 District of the Northern Mariana Islands  
6-14-07  
 Date

## VIOLATION WORKSHEET

1. Defendant Jason Ruluked

2. Docket Number (Year-Sequence-Defendant No.) CR 03-00004-001

3. District/Office Northern Mariana Islands

4. Original Sentence Date 07 / 08 / 03  
month day year

(If different than above):

5. Original District/Office N/A

6. Original Docket Number (Year-Sequence-Defendant No.) N/A

7. List each violation and determine the applicable grade (see §7B1.1(b))

<u>Violation(s)</u>	<u>Grade</u>
● Failure to refrain from any unlawful use of a controlled substance	
● Failure to answer truthfully all inquiries of the probation officer and follow the instructions of the probation officer	C
● Failure to work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons	C
● Failure to notify the probation officer at least ten days prior any change in residence or employment	C
● Failure to participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse	C
● Failure to refrain from any use of alcohol	C
● Failure to pay a special assessment fee of \$200;	
8. Most Serious Grade of Violation ( <u>see</u> §7B1.1(b))	C
9. Criminal History Category ( <u>see</u> §7B1.4(a))	I
10. Range of Imprisonment ( <u>see</u> §7B1.4(a))	3 - 9 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

☒

(a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.

☐

(b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.

(c) If the minimum term of imprisonment determined under § 7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant: Jason Ruloked

**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>NA</u>	Community Confinement	<u>NA</u>
Fine (\$)	<u>NA</u>	Home Detention	<u>NA</u>
CS	<u>NA</u>	Intermittent Confinement	<u>NA</u>

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §7B1.3(g)(1)).

Term: \_\_\_\_\_ to \_\_\_\_\_ years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from imprisonment: 24 - 30

**14. Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

**15. Official Detention Adjustment** (see §7B1.3(e)): 0 months 0 days

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 03-00004-001
	)	
Plaintiff,	)	
	)	<b>DECLARATION IN SUPPORT OF PETITION</b>
vs.	)	
	)	
JASON RULUKED,	)	
	)	
Defendant.	)	

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**Re: Violation of Supervised Release Conditions; Request for a Warrant**

I, U.S. Probation Officer Margarita DLG Wonenberg, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Jason Ruluked, and in that capacity declare as follows:

On July 8, 2003, Jason Ruluked was sentenced to 33 months imprisonment followed by three years supervised release for the offense of Obstruction of Justice, in violation of 18 U.S.C. § 1503, and False Statements, in violation of 18 U.S.C. § 1001. On October 13, 2005, supervised release conditions were modified to include a sanction of 200 additional hours of community service, and an order to pay \$50 monthly toward his special assessment fee. On December 21, 2006, supervised release conditions were modified, and a term of three months home detention with electronic monitoring was imposed. On June 21, 2006, supervised release conditions were revoked and a three-month term of imprisonment was imposed followed by 33 months supervised release with conditions. Mr. Ruluked's term of supervised release commenced on September 20, 2006. He is alleged to have violated the following conditions, which are all in violation of 18 U.S.C. § 3583(d).

**Mandatory Condition:** *Failure to refrain from any unlawful use of a controlled substance.*

On March 22, 2007, Mr. Ruluked reported to the probation office for a noncompliance meeting with this Officer. He submitted to a drug test which resulted in a presumptive positive for marijuana. Mr. Ruluked admitted to smoking the drug on March 8, 2007 and signed An Admission of Drug Use Form. He was admonished for smoking the drug and returned to Day One Phase I of the Substance Abuse Treatment Program. He was reminded of the importance of his compliance to the drug treatment program and reminded of the consequences of his noncompliance.

**Standard Condition:** *Failure to answer truthfully all inquiries of the probation officer and follow the instructions of the probation officer.*

DECLARATION IN SUPPORT OF PETITION

Violation of Supervised Release Conditions; Request for a Warrant

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Mr. Ruluked was instructed to maintain weekly contact with this Officer in order to ensure his compliance with his supervised release conditions which include that he refrain from alcohol use and to seek and maintain employment. On March 26, Mr. Ruluked reported that he had been arrested for Disturbing the Peace on March 24, 2007. He said that he was taken to the police station where he spent the night to sober up. He admitted to consuming alcohol and had gotten out of control.

This Officer obtained a copy of the police report, recorded under 07-003053. Investigation into the matter showed that the charge of Disturbing the Peace was dismissed because of the lack of evidence and witnesses refused to press charges.

On March 26, 2007, Mr. Ruluked was reminded about his requirement to report every week to the probation office. He failed to report as instructed by this Officer in the months of April and May 2007. His last recorded office visit was on March 28, 2007.

**Standard Condition:** *The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.*

Mr. Ruluked reported regularly to the probation officer on his efforts to seek and obtain employment and despite not finding a job, his efforts were recorded and monitored. As March 28, 2007, he stopped reporting to the probation office on his efforts to seek and obtain employment.

**Standard Condition:** *The defendant shall inform the probation officer at least ten days prior to any change in residence or employment.*

Mr. Ruluked is no longer residing with his father and step-mother in Kagman. According to his father, Johai Ruluked, he does not want his son to live with them at their house because of his use of alcohol on March 26, 2007, and his son's lack of respect to them. According to Emmaculada Kapileo, Mr. Ruluked's step-mother, the defendant is staying at an aunt's house somewhere in Kagman.

**Special Condition:** *The defendant shall participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse;*

Mr. Ruluked failed to show for drug testing as scheduled by the Marianas Psychiatric Services for the months of April and May 2007. Specifically, he failed to show on April 17, 23, 25, and 29, 2007. He failed to show on May 5, 7, 10, 18, 24, and 29, 2007.

**Special Condition:** *The defendant shall refrain from the use of alcohol.*

On March 26, 2007, Mr. Ruluked admitted to consuming an unknown quantity of beer on the night of March 24, 2007. He stated that he knew his conditions of supervised release prohibited him from drinking alcohol but he drank anyway. Mr. Ruluked was subjected to a breathalyser test on March 26, 2007 and March 28, 2007 and tested negative for alcohol, on both occasions. He was instructed to report weekly to this Officer.



DECLARATION IN SUPPORT OF PETITION

Violation of Supervised Release Conditions; Request for a Warrant

Re: RULUKED, Jason

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**Special Condition:** *That the defendant shall pay a special assessment fee of \$200.*

Records from the Clerk of Court, United States District Court, indicates that on November 1, 2005, Mr. Ruluked made a payment of \$50, and on January 3, 2006, he made another payment of \$100. As of this date, Mr. Ruluked still has a balance of \$50.

**Officer Intervention:** Mr. Ruluked was reminded numerous times about his conditions of supervised release. This Officer implemented weekly meetings to provide increased guidance. Mr. Ruluked was returned to Day I Phase I of the Substance Abuse Treatment Program.

**Officer Recommendation:** This Officer respectfully requests that the Court issue a Warrant for Jason Ruluked to appear at a hearing scheduled by the Court, and during that hearing, he be held to answer or show cause why supervise release in this case should not be revoked, or for any reason or cause which the Court may deem just and proper pursuant to 18 U.S.C. § 3583.

Executed this 14<sup>th</sup> day of June 2007, at Saipan, MP, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.


Respectfully submitted,

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:

  
MARGARITA DLG WONENBERG  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Eric O'Mallay, Assistant United States Attorney  
Loren Sutton, Defense Attorney  
File